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OFFICE OF PETITIONS

In re Patent No. 6,980,238 B2	:	DECISION ON
Masanori Kawashima	:	PATENT TERM ADJUSTMENT
Issue Date: December 27, 2005	:	AND NOTICE OF INTENT
Application No. 09/955,206	:	TO ISSUE
Filed: September 19, 2001	:	CERTIFICATE OF
Attorney Docket No. 03500.011186.1	:	CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(D)", filed February 22, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from six hundred seventy-six (676) days to seven hundred ninety-six (796) days.

The petition is GRANTED.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seven hundred ninety-six (796)** days.

On December 27, 2005, the above-identified application matured into U.S. Patent No. 6,980,238. The instant request for reconsideration filed February 22, 2006 was timely filed within two months of the date the patent issued. See §1.705(d). The Patent issued with a Patent Term Adjustment of six hundred seventy-six (676) days.

Patentee states that the patent is not subject to a terminal disclaimer.

Patentee asserts that he should not have been assessed applicant delay of one hundred twenty (120) days for the submission of a "STATEMENT OF SUBSTANCE OF INTERVIEW".

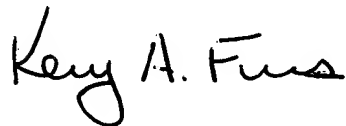
The "STATEMENT OF SUBSTANCE OF INTERVIEW" is not identified as one of the papers the filing of which the Director has specifically deemed not to be a failure to engage in reasonable efforts under 37 C.F.R. §1.704(c)(10).¹ Nevertheless, under the circumstances of this case, it is concluded that the filing of applicant's "STATEMENT OF SUBSTANCE OF INTERVIEW" is not a failure to engage under 37 C.F.R. §1.704(c)(10). Accordingly, the assessment of one hundred twenty (120) days of applicant delay with respect to this filing is not warranted.

In view thereof, the correct determination of PTA at the time of issuance is seven hundred ninety-six (796) days (796 days of PTO delay and 0 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **seven hundred ninety-six (796)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft certificate of correction

¹ See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. 111 (June 26, 2001).

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,980,238 B2

DATED : December 27, 2005

INVENTOR(S) : Masanori Kawashima

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (676) days

Delete the phrase “by 676 days” and insert – by 796 days—

Day : Wednesday

PALM INTRANET

Date: 4/19/2006

Time: 11:42:15

PTA Calculations for Application: 09/955206

Application Filing Date:	09/19/2001	PTO Delay (PTO):	796
Issue Date of Patent:	12/27/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	120
Post-Issue Petitions:	0	Total PTA (days):	796
PTO Delay Adjustment:	120		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
39	04/19/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	120		
35.5	12/07/2005	PTA 36 MONTHS			
35	12/27/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	82		28
34	11/02/2005	EXPORT TO FINAL DATA CAPTURE			
33	11/01/2005	DISPATCH TO FDC			
32	05/26/2005	MISCELLANEOUS INCOMING LETTER		120	
31	09/30/2005	FINISHED INITIAL DATA CAPTURE			
30	05/26/2005	RESPONSE TO REASONS FOR ALLOWANCE			
29	08/16/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
28	06/06/2005	ISSUE FEE PAYMENT VERIFIED			
27	07/05/2005	EXPORT TO INITIAL DATA CAPTURE			
26	06/06/2005	ISSUE FEE PAYMENT RECEIVED			
25	05/11/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
24	05/10/2005	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
23	05/09/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
21	04/20/2005	MAIL NOTICE OF ALLOWANCE			
20	04/18/2005	ISSUE REVISION COMPLETED			
19	04/18/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
18	04/18/2005	NOTICE OF ALLOWABILITY			
17	04/08/2005	DATE FORWARDED TO EXAMINER			
16	02/02/2005	RESPONSE AFTER NON-FINAL ACTION			
15	02/02/2005	WORKFLOW INCOMING AMENDMENT IFW			

14	11/02/2004	MAIL NON-FINAL REJECTION	714		-1
13	11/01/2004	NON-FINAL REJECTION			
12	08/26/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	08/24/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	08/16/2004	CLAIMS PTO			
9	08/16/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	09/19/2001	REFERENCE CAPTURE ON IDS			
7	09/19/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	09/19/2001	PRELIMINARY AMENDMENT			
5	03/05/2004	CASE DOCKETED TO EXAMINER IN GAU			
4	10/31/2001	APPLICATION DISPATCHED FROM OIPE			
3	10/30/2001	CORRESPONDENCE ADDRESS CHANGE			
2	09/24/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/19/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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